

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

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U.S. DISTRICT COURT  
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TX EASTERN-MARSHALL

SIMPLEAIR HOLDINGS, INC.,  
a California corporation,

Plaintiff,

vs.

clearTXT, INC., a North Carolina  
corporation; MOBILE MEDIA  
TECHNOLOGIES, LLC, a Missouri limited  
liability company; and YAHOO! INC., a  
Delaware corporation

Defendants.

BY \_\_\_\_\_  
CASE NO. **2 - 08 C V - 290**  
**JURY DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff SimpleAir Holdings, Inc. ("SimpleAir") sues Defendants clearTXT, Inc., Mobile Media Technologies, LLC, and Yahoo! Inc. ("Defendants") and, on information and belief, alleges as follows:

**Introduction**

1. Plaintiff SimpleAir owns the invention described and claimed in United States Patent No. 7,035,914, entitled "System and Method for Transmission of Data." Defendants have used, and continue to use, Plaintiff's patented technology in products and services that they make, use, sell, and offer to sell, without Plaintiff's permission. Plaintiff SimpleAir seeks damages for infringement of the '914 patent and an injunction preventing Defendants from engaging in further infringement of the patent.

**Jurisdiction and Venue**

2. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§271 and 281, *et seq.* The Court has original jurisdiction over this patent infringement action under 28 U.S.C. §1338(a).

3 Venue is proper in this Court because Defendants are responsible for acts of infringement occurring in the Eastern District of Texas as alleged in this Complaint, and have delivered or caused to be delivered infringing products or services in the Eastern District of Texas.

**Plaintiff SimpleAir Holdings, Inc.**

4. Plaintiff SimpleAir Holdings, Inc. is a corporation existing under and by virtue of the laws of the State of California.

**The '914 patent**

5. The United States Patent and Trademark Office issued the '914 patent on April 25, 2006. A copy of the patent is attached to this Complaint as exhibit A.

**Defendants**

6. Defendant clearTXT, Inc. ("clearTXT") is a corporation organized and existing under the laws of the State of North Carolina, with its principle place of business in Morrisville, North Carolina.

7. Defendant Mobile Media Technologies, LLC ("Mobile Media") is a limited liability company organized and existing under the laws of the State of Missouri, with its principal place of business in Kansas City, Missouri.

8. Defendant Yahoo! Inc. ("Yahoo!") is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in Sunnyvale, California.

**FIRST CLAIM FOR PATENT INFRINGEMENT ('914 PATENT)**

**Against all Defendants**

9. Plaintiff incorporates by reference each of the allegations in paragraphs 1 - 8 above and further alleges as follows:

10. On April 25, 2006, United States Patent No. 7,035,914 (the '914 patent), disclosing and claiming "System and Method for Data Transmission," was duly and legally issued by the United States Patent and Trademark Office.

11. Plaintiff SimpleAir Holdings, Inc. was the assignee-at-issue of the '914 patent and is the owner of the '914 patent with full rights to pursue recovery of royalties or damages for infringement of said patent, including full rights to recover past and future damages

12. Defendant clearTXT has infringed the '914 patent and, unless enjoined, will continue to do so, by using, providing, offering for sale, and selling mobile alerts and messaging products and services, including those products and services described on its website [www.cleartxt.com](http://www.cleartxt.com), that use the method(s) claimed by the '914 patent without a license or permission from Plaintiff.

13. Defendant Mobile Media has infringed the '914 patent and, unless enjoined, will continue to do so, by using, providing, offering for sale, and selling mobile alerts and messaging products and services, including those products and services described on its website [www.textcaster.com](http://www.textcaster.com), that use the method(s) claimed by the '914 patent without a license or permission from Plaintiff.

14. Defendant Yahoo! has infringed the '914 patent and, unless enjoined, will continue to do so, by using, providing, offering for sale, and selling mobile alerts and messaging products and services, including those products and services described on its websites ([www.yahoo.com](http://www.yahoo.com) and [mobile.yahoo.com](http://mobile.yahoo.com)), that use the method(s) claimed by the '914 patent without a license or permission from Plaintiff.

15. Plaintiff has been damaged by Defendants' infringement of the '914 patent and will suffer additional irreparable damage and impairment of the value of its patent rights unless Defendants are enjoined from continuing to infringe the '914 patent.

16. Defendant Yahoo!'s acts of infringement have been, and continue to be, committed with full knowledge of Plaintiff's rights in the '914 patent and in willful and wanton disregard of Plaintiff's rights, entitling Plaintiff to recover increased damages under 35 U.S.C. §284 and rendering this an exceptional case under 35 U.S.C. §285.

17. Plaintiff demands trial by jury of all issues relating to this claim.

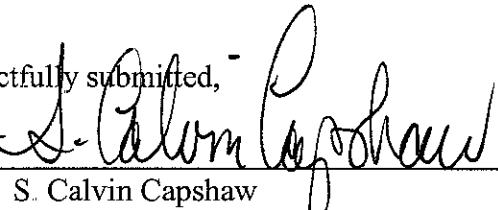
WHEREFORE, Plaintiff prays for judgment as follows:

- A. A decree preliminarily and permanently enjoining Defendants, their officers, directors, employees, agents, and all persons in active concert with them, from infringing the '914 patent;
- B. Compensatory damages for Defendants' infringement of the '914 patent;
- C. Increased damages by reason of the nature of Defendant Yahoo!'s infringement pursuant to 35 U.S.C. §284;
- D. A declaration that this case, as to Defendant Yahoo!, is exceptional pursuant to 35 U.S.C. §285;
- E. Costs of suit and attorneys' fees;
- F. Pre-judgment interest; and
- G. For such other relief as justice requires.

Dated: July 28, 2008

Respectfully submitted,

By:



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**ATTORNEYS FOR PLAINTIFF,  
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